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April 21, 2015

Hon. Denise L. Cote  
U.S. District Court  
500 Pearl St  
NY, NY 10001

Re: *US v. Budovsky* 13 cr 368 (DLC)

Dear Judge Cote:

We are am counsel for Arthur Budovsky the defendant in the above referenced matter. By this letter, we respectfully request a modification of the upcoming motion schedule.

Currently, Defense motions are due on May 1, 2015.

We have been in the process of researching relevant potential legal issues. In addition, our preparation of the motions has involved a time consuming review of the discovery which, as we trust the Court is aware, is quite voluminous. Our review of the discovery has been hampered by the fact that a significant portion of it consists of forensic images of computers, databases and electronic media. In order to be able to search and review these images, they must be 'unlocked' with special software used by a computer forensic expert. In addition, due to the large volume of data, the unlocked images must be hosted online in order for us to be able to review them. We have been working the Office of Defender Services in an effort to obtain the assistance of an electronic database service vendor who can extract these forensic files, host them online and provide use with a database management software. This has been a time intensive process as it has involved proposed vendors analyzing the various formats of the discovery in order to best determine the data can be managed in order to provide us with a cost proposal.<sup>1</sup>

Further, during December and January, we served specified discovery requests upon the Government. Among other information, these requests sought identification of specific items of discovery. Some of these requests were drafted with an eye towards potential motion issues. The Government provided its response on April 2, 2015. Within the response, numerous discovery items

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<sup>1</sup>

We anticipate submitting a proposed (CJA- ex parte) to the Court in the near future.

were referenced including forensic computer data. Notably, regarding the forensic data, the April 2<sup>nd</sup> Letter even acknowledged, “to access the data in the database, you will have to extract the relevant files and then place them into database management software. This will likely require the assistance of a forensic expert.” As such, we seek additional time in order to be able to review the items identified in the Government’s Letter.

In light of the foregoing, we respectfully request the motion schedule be modified by approximately 45 days. We have conferred with the Government and they do not object to this request.

Wherefore, we respectfully the due date, for the Defense motions, be reset to June 15, 2015 with the due dates for the Government’s Response and Defense Reply being adjusted accordingly.

Respectfully submitted,

/s/

Jeffrey Pittell

cc: John Kaley, Esq.  
AUSA Andrew Goldstein  
AUSA Christine Magdo  
AUSA Kevin Mosely  
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